

PATENT  
Our Docket: P-IX 4526

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: )  
William D. Huse )  
Serial No.: Unknown )  
Filed: Herewith )  
For: SURFACE EXPRESSION )  
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**ASTRID R. SPAIN**

Commissioner for Patents  
Washington, D.C. 20231

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Sir:

**PRELIMINARY AMENDMENT**

In connection with the above-identified patent application, which is a continuation of United States Serial No. 08/367,685, filed December 30, 1994; which is a continuation of United States Serial No. 08/110,494, filed August 23, 1993; which is a continuation of United States Serial No. 07/767,436, filed September 27, 1991; which is a continuation-in-part of United States Serial No. 07/590,664, filed September 28, 1990, entry of the amendments and consideration of the following remarks respectfully is requested.

**I. AMENDMENTS**

In the Claims:

Please cancel claims 2 to 87.

Please add the following new claims:

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--88. A processed gVIII fusion protein comprising a functional portion of the gVIII protein of a filamentous bacteriophage which causes expression of said processed gVIII fusion protein on the surface of said filamentous bacteriophage from an infected compatible host cell and a polypeptide sequence other than gVIII fused to said functional portion of gVIII.

89. The processed gVIII fusion protein of claim 89, wherein said functional portion of the gVIII fusion protein is encoded by a non-identical copy of gVIII having a nucleotide sequence different than wild type gVIII.

90. A filamentous bacteriophage comprising the processed fusion protein of claim 89 expressed on its surface

91. A processed gVIII fusion protein comprising a functional portion of the gVIII protein of a filamentous bacteriophage which causes expression of said processed gVIII fusion protein on the surface of said filamentous bacteriophage from an infected compatible host cell and a polypeptide sequence other than gVIII fused to said functional portion of gVIII, wherein said functional portion of the gVIII fusion protein is encoded by a gVIII, or modification thereof.--

## II. REMARKS

New claims 88-91 are being added in this continuation application. New claims 88-91 were previously added during prosecution of the parent application U.S. Serial No. 08/367,685 (hereinafter referred to as the '685 application). Specifically,

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claims 88-90 were originally added during prosecution of the '685 application in a response filed by Applicant on April 4, 1996. New claim 91 was originally added during prosecution of the '685 application in a response filed by Applicant on October 1, 1999.

Support for claim 88 can be found throughout the application, for example, at page 6, lines 9-12 and 19-23, at page 7, lines 15-19, page 19, lines 19-20, and at page 48, lines 8-10. Support for claim 89 can be found throughout the application, for example, at page 4, lines 14-16 and page 21, line 31 through page 27, line 7. Support for claim 90 can be found throughout the application, for example, at page 19, lines 20-26. Support for claim 91 can be found throughout the application, for example, on page 41, lines 26-29, page 62, lines 11-13, page 65, lines 23-24, page 66, lines 2-4, and page 67, lines 6-11. Thus, the Applicants submit that the new claims, all of which have been previously added and prosecuted in the '685 application, add no new matter.

Pursuant to 37 C.F.R. §1.608(c) Applicant hereby submits that claims 88-91 correspond substantially to claim 47 of United States Patent No. 5,403,484, to Ladner et al., which issued April 4, 1995.

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### III. CONCLUSION

The Examiner is invited to call the undersigned agent or Cathryn Campbell if there are any questions relating to this application.

Respectfully submitted,

November 29, 2000

Date



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